

## REMARKS

This is response to the action mailed 9 March 2005 for which an extension of time is hereby petitioned for.

This is also responsive to an interview held with the examiner on 20 July 2005 wherein claims 21 and 22 above were discussed. The interview summary indicates that proposed claim 22 overcomes the cited art (of course, subject to a possible further search).

It is noted that claim 21 is not substantively amended and is submitted to be patentable over the art of record. The amendments are to correct typographical errors pointed out by the examiner. The scope of this claim is unchanged.

Likewise Claim 22 has not been amended. As argued in the interview, there is no reference which surrounds the audio aperture with a visual indicator and no way to derive same from any reference or combination thereof.

Claim 21 is patentable over the cited art in that it calls for:

a microphone arm pivotally connected to the housing by a hinge link , and such that the microphone arm can be moved between a first position in which ***the inner surface lies up against the housing***, and a second position in which it extends away from the housing, said arm having an outer surface and an inner surface which lies against said housing when in said ~~second~~ first position, and wherein said outer surface includes a visual indicator for indicating an in-use condition of the headset.

The Leifer reference does not have a microphone arm whose inner surface lies up against the housing. According to the drawings it never touches the housing, let

alone lies there against. Of course, Leifer is a fundamentally different device not intended to become a compact unit. Therefore, there is not teaching that the boom mike should make lie against the housing. Thus, it cannot be taken as a teaching thereof.

New claim 25 further recites a combination including microphone arm has a pivoting axis generally parallel to the longitudinal dimension and wherein said arm pivots generally orthogonally with respect to said first surface.

Clearly, Leifer is totally lacking in both the structure as claimed and the *reason* (i.e. motivation) for creating such a structure. Its pivoting axis is orthogonal to its first surface and its pivot movement is generally parallel thereto, i.e. just the opposite of the present invention.

### **CONCLUSION**

In view of the amendments and reasons provided above, it is believed that all pending claims are in condition for allowance. The amendments clarify the patentable invention without adding new subject matter. Applicant respectfully requests favorable reconsideration and early allowance of all pending claims.


If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

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